## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRENCE SELDON,	)	
	_ )	
Plaintiff,	)	
	)	
<b>V.</b>	)	Case No. 1:19-CV-90
	)	
	)	District Judge Baxter
JOHN E. WETZEL, et al.,	)	_
Defendants.	ĺ	

## **MEMORANDUM ORDER**

This action was received by the Clerk of Court on March 29, 2019, and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Defendants filed partial motions to dismiss. ECF No. 29; ECF No. 43. Plaintiff filed briefs in opposition. ECF No. 34; ECF No. 47; ECF No. 48.

On February 6, 2020, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the partial motions to dismiss be granted. ECF No. 62. Plaintiff filed Objections to the Report and Recommendation [ECF No. 68], as well as a Motion to Amend the Objections [ECF No. 72].

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, objections, and amended objections thereto, the following order is entered:

AND NOW, this 26th day of February 2020;

IT IS ORDERED that the motion to amend objections [ECF No. 72] is granted and the amended objections have been considered.

IT IS FURTHER ORDERED that the partial motions to dismiss [ECF No. 29; ECF No. 43] are GRANTED. The following claims are hereby dismissed with prejudice:

- Seldon's claims for monetary damages against the Corrections Defendants in their official capacities;
- Seldon's claims against Wetzel, Overmyer, Oberlander, Silva, Smith,
  Ferdarko and Lamoreaux for lack of personal involvement;
- Seldon's medical deliberate indifference claims against the Corrections
  Defendants; and
- 4) Seldon's due process claim.

IT IS FURTHER ORDERED that because all claims against them have been dismissed with prejudice, the Clerk of Court is directed to terminate the following as Defendants to this action: Wetzel, Overmyer, Oberlander, Silva, Smith, Ferdarko and Lamoreaux.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on February 6, 2020 [ECF No. 62] is adopted as the opinion of the court.

/s/ Susan Paradise Baxter SUSAN PARADISE BAXTER United States District Judge